Yukon Information and Privacy Commissioner

Annual Report 2008

Message from the Information and Privacy Commissioner:

Awareness, Leadership and Resources

Since becoming Information and Privacy Commissioner (Commissioner) in May 2007, I have learned that many Yukoners do not know much about the work of this office or why it might be important to them. The *Access to Information and Protection of Privacy Act* (*ATIPP Act*) is not a common topic of conversation in most circles even though it operates every day to guarantee access and protect the personal information of Yukoners. Unfortunately, access and privacy laws are not widely understood anywhere. In the Yukon, much work is needed to increase public awareness of the *ATIPP Act*, its functions and my oversight role as Information and Privacy Commissioner.

One of the ways in which we try to inform Yukoners about our work is through this report. Last year, we made the decision to produce two separate annual reports (one from the Ombudsman and one from the Information and Privacy Commissioner) and to adopt a new user-friendly format, with the goal of improving the way we inform Yukoners about the work we do. We are making the reports widely available and will promptly respond to any requests for additional copies in schools, offices or elsewhere. The report uses a format and language that we hope is readable and accessible for all. Our work is challenging and interesting, and this report should reflect that.

Why Should You Care?

Whenever I talk about the role of the Information and Privacy Commissioner and the *ATIPP Act*, I imagine the listener thinking – why should I care? It is one thing to rattle off the details of tasks and legislation. It is entirely another to provide examples that show how our work is relevant to people. This report includes articles and summaries of cases that illustrate how the *ATIPP Act* affects you.

In a nutshell, you should care about the *ATIPP Act* because it is a Yukon law that allows you to access government information and your own personal information, while at the same time it protects the privacy of all personal information held by the Government of Yukon. With a few exceptions, government can only collect personal information about you with your consent, or if there is another law that says it can. Government departments cannot share your personal information with other departments without your consent, unless you have been made aware they may do so.

Here are some examples of how the *ATIPP Act* might work for you:

- If you want to read a report the government has done about water quality, you can make a request for it under the *ATIPP Act*. It will very likely be given to you, unless there is a specific reason set out in the *ATIPP Act* not to do so.
- If you want a copy of your school records from the government, the *ATIPP Act* ensures you can get them.
- If you provide personal information to a nurse at a health centre, that information must be used only to provide you with medical care or treatment, and must be kept private.
- If you provide your credit card number to one government department to pay for a service, it cannot share the number with another department, which may want to collect on a debt.

Public Awareness

In order for Yukoners to understand how the *ATIPP Act* affects them, they must first know that my office is here and what we do. It is my job to monitor how the *ATIPP Act* operates. If government makes a decision about access to records that you do not agree with, or if there is a breach of your privacy, you can ask me to review that decision or investigate.

All our public communications and appearances are designed to raise awareness of the oversight role and work done by this office. Public reports, education materials, media releases and a user-friendly website continue to be priorities for us and are all designed to inform the public of the work of this office.

We are also working to develop office protocols that will provide guidance for the public and government. These protocols will cover such matters as how government should carry out a search for records, how exemptions should be applied and how to properly respond to an access request.

Leadership

By adopting the *ATIPP Act* in 1996, the Government of Yukon was innovative and showed a commitment to accountability. Its purposes were to make public bodies more accountable and to protect personal privacy. However, despite the fact that the *ATIPP Act* is more than 12 years old, it is still often an ineffective regime. The government has fallen short of its responsibility to provide support for this legislation.

There are a number of areas which require government attention:

Legislation

The *ATIPP Act* is badly in need of a comprehensive review and amendments. In the fall of 2008, the government sought limited input on eight proposed changes to the *ATIPP Act*. More details about the proposed changes and my submission are described on page 2.

ATIPP Guidelines

While the *ATIPP Act* has been operating for more than a dozen years, the government has not implemented guidelines to assist ATIPP Coordinators in responding to access requests. Reviews and investigations reveal a wide range of approaches and many inconsistencies between departments in their search and response procedures. While my office continues to be available to work with government as it develops guidelines, progress has been very slow.

Culture of Openness

In order for the purposes of the *ATIPP Act* to be achieved in a meaningful way, a culture of openness must be encouraged from the top down. When senior management is open and cooperative, those values trickle down and affect every interaction between government and the public.

Access requests made under the *ATIPP Act* have prescribed deadlines for action, may be complex and may sometimes seem disruptive to the daily operations of government. However, in making the commitment to access and privacy legislation, this work must be an integral part of government operations. Greater public confidence and a more effective government will be the result when management and staff are supported and work to meet their responsibilities under the *ATIPP Act*.

Resources

The Commissioner is also the Yukon Ombudsman and as such is responsible for oversight and operation of the *ATIPP Act* and the *Ombudsman Act*. The two positions, which carry distinct and separate responsibilities, are currently authorized by the government to be done together as one half-time position. As a result, in reality, the Yukon has an Ombudsman for one-quarter time and an Information and Privacy Commissioner for one-quarter time.

Since 1996, our work load has steadily increased with more matters proceeding to investigation or formal inquiry each year. Moreover, this is only a small part of the work we do. Each year we provide many Yukoners with information, direction and assistance, even though their matters may not result in a formal complaint, investigation or inquiry. This growing demand must be met with adequate resources.

Office of the
Yukon Ombudsman &
Information and Privacy
Commissioner

Our Mission

To provide independent oversight of the *ATIPP Act*;

To receive and process public complaints and requests for review from citizens who feel their access to information rights or their privacy rights have not been respected by a public body;

To comment on the implications of existing or proposed programs or legislation for access to information or for protection of privacy;

To promote openness and accountability in public administration.

I have taken every opportunity to urge the government through the Members' Services Board to increase this position to full-time, so this office has the capacity and tools to achieve its legislated objectives and to properly serve the people of the Yukon.

I am encouraged that my office is being asked to provide input and comment on proposed legislation and programs more frequently. Access and privacy considerations are important components of all government programs and legislation. This office is uniquely qualified and should therefore be consulted to ensure that access and privacy are adequately addressed by new legislation and programs.

Thank You

It is my honour and privilege to offer the people of the Yukon this 13th Annual Report of the Yukon Information and Privacy Commissioner. It has been sent to the Honourable Ted Staffen, Speaker of the Yukon Legislative Assembly, who will present it to the Assembly as required by *ATIPP Act*.

The Office of the Information and Privacy Commissioner is made up of a small group of dedicated women who produce exceptional work on a daily basis. They operate in a demanding environment, with a challenging workload. Their commitment to the role of this office and to serving the public is unyielding. I thank each of them for their patience, sense of humour and endless support.

Receiving requests for review, investigating concerns and resolving conflict is complex work and requires a balanced and cooperative approach. Our office does not accomplish this alone. I offer my thanks to the individuals and departments that recognize our common goals and help us work toward them.

Tracy-Anne McPhee
Ombudsman
Information and Privacy Commissioner

What Does the Information and Privacy Commissioner Do?

The Commissioner is an independent authority responsible to the Legislative Assembly. There are four main elements in her mandate, set out in the *ATIPP Act*:

1. Respond to any requests for a review of decisions made by public bodies or the Government of Yukon Records Manager about access requests;
2. Respond to complaints from individuals about the protection of their personal privacy and administration of the *ATIPP Act*;
3. Provide comment to public bodies on existing or proposed programs or legislation that may affect the access or privacy rights of Yukoners; and
4. Provide education and public information about access to information and protection of privacy rights, as set out in the *ATIPP Act*.

Celebrating the Right to Know

Right to Know Day was established in 2002 and has grown into a worldwide, week long event. Its goal is to raise global awareness of an individual's right to access government information and to promote access to information as a fundamental human right.

In September 2008, we worked with fellow offices across Canada to acknowledge Right to Know Week. We planned events and activities to help Yukoners learn about their access and privacy rights. These included a presentation for seniors on identity theft, access, privacy and the role of the Commissioner. A newspaper series featured Right to Know trivia questions. A Mini Film Fest was presented at Yukon College, featuring films dealing with information access, privacy and government accountability. Our office also hosted a public "Shredfest", providing a free mobile shredding service. This event was held to emphasize the importance of destroying old personal documents in order to protect your private information. The Commissioner also did an interview with CBC Radio about Right To Know Week.

To Whom Does the *ATIPP Act* Apply?

The *ATIPP Act* applies to all Government of Yukon departments, and it governs the actions of many other "public bodies" as well. Government of Yukon agencies, boards, commissions, corporations and foundations must all comply with the *ATIPP Act*. However, it is also important to know that the *ATIPP Act* does not apply to many public institutions in the Yukon. Whitehorse General Hospital, the Yukon Workers' Compensation Health and Safety Board, school boards, municipalities and federal government offices are some of the organizations that deal with very sensitive personal information but are not required to comply with the Yukon access and privacy law.

Changes Proposed for the *ATIPP Act*

Since 2000, this office has repeatedly sought a comprehensive review of the *ATIPP Act* to address inconsistencies and inadequacies in the legislation. Modernization of the ATIPP legislation is critical. Changes in information and communications technology have transformed the capacity of governments and others to collect, store and share information. In addition, the Government of Yukon has undertaken new initiatives that involve sharing of personal information across jurisdictions and in the private sector, but has not moved to ensure the *ATIPP Act* keeps pace with these developments. As a result, privacy and information rights are not as well-protected now as they were in 1996, when the *ATIPP Act* became law.

In the fall of 2008, the government proposed that eight specific sections of the *Act* be amended. While I was pleased that government was considering amending specific sections, I urged it to embark on a comprehensive review of the *Act* instead. In the end, a process to consider only the limited amendments went ahead. The government produced a consultation document and written submissions were required within six weeks.

This office has a unique perspective to offer and is able to draw upon more than twelve years' experience with the intricacies of the legislation. My submission made nineteen recommendations: eight responding to the government's proposed amendments, four regarding additional changes and seven addressing simple housekeeping matters.

Since we have a mutual goal of guaranteeing public access to information and protecting individual privacy through well-crafted and effective legislation, I urged the government to consider and adopt all of my recommendations. They were designed to address real problems in the day-to-day application of the Act. Many of the additional changes I proposed were straightforward and their implementation would result in meaningful improvements to the *ATIPP Act*.

One of the amendments proposed by the government was to add a section requiring a regular review of the *ATIPP Act*. This is a very positive change and will provide for modernization of the legislation in response to the changing world of technology.

We currently await the government's draft amendments to the *ATIPP Act*. My submission is available on our website at **www.ombudsman.yk.ca**.

Our Team

Tracy-Anne McPhee
Ombudsman
Information and Privacy Commissioner

Catherine Bucklar Lyon
Senior Investigator/Mediator

Susan Dennehy
Investigator/Mediator
Legal Counsel

Alice Purser
Executive Assistant

L–R: Susan, Alice, Catherine, Tracy

The Information and Privacy Commissioner "Comments"

The opportunity for this office to review and comment on proposed legislation or programs is vital. Our expertise is valuable, our perspective is unique and comments are always made after careful consideration and in the public interest.

Child and Family Services Act

A proposed *Child and Family Services Act* was introduced in the Yukon Legislative Assembly in spring 2008. Although I had not been asked for comment on the draft *Act*, I was concerned that the proposed legislation contained provisions that would adversely affect the application of privacy and access provisions of the *ATIPP Act*. I immediately wrote to the Members of the Legislative Assembly, outlining my concerns. I also met with officials from the department of Justice. Unfortunately, the *Act* was passed in April 2008 without incorporating any of my suggested changes. It has not yet been proclaimed.

It was neither satisfactory nor efficient to provide important commentary only after the draft *Act* had already been introduced in the Legislature. In effect, I was forced to weigh in with serious concerns and suggested changes very late in the process, at a point when giving due consideration to my comments was almost impossible.

Other New Legislation

Since then however, I have been consulted on other pieces of proposed legislation, generally much earlier in the process. We have worked hard, often on very short notice, to respond within deadlines and make positive contributions. In addition to comments on proposed amendments to the *ATIPP Act*, I have made written submissions regarding three other new pieces of legislation both from the perspective of the Information and Privacy Commissioner and the Ombudsman: the *Corrections Act*, the *Child and Youth Advocate Act* and the *Mandatory Testing and Disclosure Act*. My comments were well received and important changes were made as a result of recommendations from this office.

Access and Privacy Smarts at Yukon College

Since the *ATIPP Act* does not apply to Yukon College, it has adopted its own access and privacy procedures consistent with the principles of both the *ATIPP Act* and the federal *Personal Information and Protection of Electronic Documents Act* (PIPEDA).

The Yukon College Chief Information Officer, the College Archivist, a Records Manager and a Records Management Committee have designated duties and responsibilities under the Colleges new procedures. Complaints about compliance with the procedures can be made to the Information Access and Protection of Privacy Review Officer at Yukon College.

Before adopting the final version of the new procedures, staff at Yukon College asked for review and comments from my office and the Privacy Commissioner of Canada. We were pleased to do so.

Help! A call to 811 gives away personal information

Most Yukoners now know about the 811 Yukon HealthLine, a toll-free telephone service, available to anyone in the Yukon to have non-emergency health care questions answered. What many people may not know is that the service is provided in cooperation with British Columbia, and that the nurse they speak to when they call is located in that province.

My office was consulted when the Yukon HealthLine was being developed and we are pleased to continue working with Health and Social Services on this and other BC-Yukon health care initiatives. However, one of the issues that arose during the development of the 811 HealthLine was who would have custody and control of the personal information provided during a call.

This is an important question, because when the information is in the custody or control of a BC public body, as in this case, then the Yukon *ATIPP Act* does not apply — the BC *Freedom of Information and Protection of Privacy Act* does. In order to proceed with this project the Government of Yukon gave away responsibility for Yukoners' personal information to BC. As a result, concerns or complaints about how personal information is being collected, used or disclosed from the 811 HealthLine has to go to the B.C. Information and Privacy Commissioner in Victoria — which isn't very appropriate for Yukoners.

Many other electronic health care services are under way, which will provide Yukoners with better access to health care. However, it is essential that personal information of Yukoners be safeguarded. I have urged government to proceed with legislation that will authorize new health care initiatives and properly protect personal information.

All Yukoners should know that they do not have to provide their name, address, telephone number or Yukon Health Care number in order to obtain service from the 811 Yukon HealthLine. If you need help with access to the service, or have privacy concerns about it, you may contact my office. We will help you connect with the BC Office of the Information and Privacy Commissioner.

E-Health and Canada Health Infoway Projects

Electronic health records are the way of the future but the access rights and protection of privacy of personal information is crucial and must be a top priority for those working to design and implement e-health programs.

Canada Health Infoway (CHI) is a federally-funded not-for-profit organization made up of all Canadian provincial and territorial Deputy Ministers of Health. CHI's task is to develop pan-Canadian Electronic Health Records (EHR) systems with compatible standards and communications technologies. CHI is also working to accelerate the use of EHR systems in Canada by providing leadership, expertise and financial resources to more than 200 EHR projects in health ministries across the country.

The CHI website (www.infoway-inforoute.ca) reports that several projects, including British Columbia-Yukon Public Health Surveillance, TeleHealth Expansion, TeleRadiology and TeleHomecare, are under way or have been completed.

My office has not always been consulted regarding these projects. They all have the potential to seriously affect the access rights and privacy of Yukoners' personal health information. We will continue to seek every opportunity to provide input on these projects.

Enhanced Driver's Licenses

In May 2008, I learned from a media report about the intention of the department of Community Services to conduct a review of Yukon Driver's Licenses. Similar reviews and pilot projects using Enhanced Driver's Licenses have taken place in several provinces. I immediately wrote to the Deputy Minister, reminding him that development of Enhanced Driver's Licenses has raised significant privacy and security concerns which were made public in a joint resolution of the Canadian Information and Privacy Commissioners. I also asked to be consulted during the Yukon review. To my knowledge, this review has not yet taken place.

The joint resolution can be found on my website at **www.ombudsman.yk.ca.**

Reviews and Complaints

Often the best way to describe something is to give examples. We've collected a number of stories that illustrate some of the work we've done through requests for review or investigations of complaints in 2008. Because our services are confidential, we've changed the names of the individuals involved.

Time and Distance

Environment

Kate, a journalism student from Ontario, requested access to a large number of records from the department for a story about a long-standing Whitehorse environmental issue. The department found 223 pages but initially Kate only received 22 pages. It was discovered that a second package of records had not been mailed to her. Once Kate had received all the information, she requested that the Commissioner review the department's decision to refuse to provide certain records or information in records. Although her request came after the 30-day deadline for requesting a Review, the Commissioner can permit an extension of the deadline and did so in this case, due in part to the delay Kate had experienced in getting all the requested records.

Mediation started immediately. But due to long-distance communications and periods of time when Kate was not available because of her studies, the Commissioner also authorized an extension of time for mediation.

The department produced its Schedule of Records, which identified those records found by the search. This expedited the mediation process because it added certainty and credibility to the department's decision to refuse certain records.

Even though there were a large number of records, the issues around most were easily settled. The department was able to explain exceptions it had applied, as well as why some records it had found were not relevant to Kate's request. She was able to better understand and accepted the department's explanation for withholding some records.

Preparing a Schedule of Records always helps all parties when there are a large number of records. Also remember that when necessary, the need for extra time can be accommodated.

Mediation Can Help

Justice

Jim asked the Commissioner to review a decision made by his employer, the department of Justice, to sever portions of his personnel records, which were provided to him through an access request under the *ATIPP Act*. Both parties agreed to participate in mediation.

Before giving Jim any records, the department covered over parts of the documents with white-out tape to remove some information which it considered the personal information of other individuals (third parties). Jim was concerned that the tape covered too much information and he couldn't tell exactly where the severing had occurred on the records.

During mediation, the department agreed to re-do the documents using a black marker to sever specific information. The department also corrected one email record, from which it had severed information that was not personal. The email was then provided to Jim. The receipt of this information resolved Jim's concerns about the records he had received.

A Schedule of Records is Very Revealing

Community Services

Abe had been having ongoing dealings with the department over a parcel of land outside of Whitehorse. Many letters had been sent back and forth. Ultimately, Abe requested copies of records about a decision made by the Minister of Community Services about his land matter.

Abe received a response which included several records, but some of the information on the records was severed. The department said it had severed information that would reveal advice, recommendations, or draft *Acts* or regulations developed by or for a public body or a minister — an exception under Section 16 of the *ATIPP Act*.

Abe was perplexed, because some records that he knew must exist were not given to him. Further inquiries resulted in more records but some were still refused on the basis of Section 16. Abe was not satisfied that he had received all the records he was entitled to, so he asked the Commissioner to review the use of Section 16 in his case. He also complained that a thorough search was not done.

The parties agreed to participate in mediation. The initial search had been complicated by the fact that several department employees involved in Abe's land matter had moved to new positions. In addition, few records were kept about what searches had actually been done. The department agreed that the only way to verify that an adequate search had been done was to conduct another full search. That process revealed "casework" records which had previously not been searched. About 100 additional records responsive or related to Abe's request for records were subsequently found.

Our office assisted the department in preparing a Schedule of Records so that all the records could be properly identified. The Schedule was a great help to Abe in identifying what records he wanted. Through mediation, Abe received almost all the records he requested and he had a better understanding of why he could not have others. The department learned how to better apply an *ATIPP Act* exception and agreed that some of the information it had previously withheld could be released.

A Schedule of Records is a vital tool for documenting how a search was done, which records were located and whether they will be released. A Schedule helps all parties understand what records are responsive to an access request.

What to Keep, What to Throw Away

Health and Social Services (H&SS)
Public Service Commission (PSC)
Highways and Public Works (H&PW)

Max, a government employee, attended a meeting about his employment. Representatives of the PSC, H&SS (his employer) and the union were all in attendance. At the conclusion of the meeting, Max was told he would receive a letter confirming their discussions. He never did. He then made requests to each of the departments involved, for access to all records specifically related to the meeting.

H&SS responded that no records were found in relation to the meeting, while the PSC provided records, but did not include any records related to the meeting. Max complained to the Commissioner about whether either department had done an adequate search. He knew there were records of the meeting because he saw notes being taken.

The investigation process involved discussions with the departments about what constitutes an adequate search for records. Both departments then conducted internal reviews seeking to understand why records related to the meeting had not been found. Each department also conducted a thorough records search.

H&SS discovered that a notebook containing notes of the meeting had existed but that the notebook was now missing. The department considered the notebook to be a transitory record, meaning it was only of temporary value and could be destroyed.

H&SS acknowledged that a letter confirming the discussions at the meeting was never sent to Max. It also advised the Commissioner of the steps it was taking to provide better training to its employees about transitory records, their proper use and their destruction. The Commissioner accepted the review and explanation and asked H&SS to report that information to Max.

Soon after, the PSC advised our office that it had found more records, some of which related to the meeting. Those records documented sensitive employment and personal information and confirmed what Max remembered had been discussed and decided at the meeting. The PSC also advised that it had treated the notes taken at the meeting as transitory records and destroyed them.

Following the investigation and based on information from both departments, the Commissioner determined that the records of the meeting were not transitory records and that the personal information contained in those records should therefore have been properly protected against loss or destruction in accordance with the *ATIPP Act*.

Further investigation into the systemic problem in properly identifying transitory records included a review of government records management policies as well as the departmental guidelines of PSC and H&SS. The Commissioner found that the Government Records Scheduling Policy regarding disposal or shredding of records did not clearly explain how to properly distinguish between transitory and substantive records. The internal department guidelines led to further confusion.

The Commissioner recommended revision of those guidelines.

Highways and Public Works has responsibility for government Records Management and the *ATIPP Act*. The Commissioner informed H&PW of this case and recommended changing the Government Records Scheduling Policy to comply with the *ATIPP Act*.

All three public bodies accepted and implemented the Commissioner's findings and recommendations.

Max's case helped raise awareness within government about handling employment records and clarified the definition, use and destruction of transitory records.

Requests Require Action

Health and Social Services (H&SS)
Highways and Public Works (H&PW)

Kristy requested records of a meeting between a H&SS employee and a non-governmental organization (NGO), at which she had been the subject of discussion. H&SS responded that it did not have authority to access records of the NGO and decided not to conduct a search of its own records to see if there were any notes of the meeting. Kristy complained to the Commissioner that her request for access to records had not been adequately addressed.

Kristy was aware that H&SS participated in the meeting in question and should have a record of it, because she had located a copy of the very record she was seeking from H&SS elsewhere. It was a government record on a government form, signed and dated by a government employee. She provided that record to the investigator.

The question for the investigation then became why H&SS had not conducted a search to respond to the access request. The investigation revealed that the department appeared to have misunderstood Kristy's access request. Following the investigation, the Commissioner reported:

In order to properly respond to an Access Request, a public body must first understand what information or records are being sought. It is not always possible for members of the public to understand government process, language or record keeping. It is therefore required by the ATIPP Act and incumbent on the public body to make every reasonable effort to assist an applicant in articulating his or her Access Request.

Next, the public body must adequately search for the records in its custody or under its control that are responsive to the Access Request and provide sufficient information to the Records Manager for her to respond openly, accurately and completely to the Applicant and in compliance with the ATIPP Act.

The Commissioner found that the lack of *ATIPP Act* regulations, standards, or prescribed procedures for responding to an access request contributed to the problems in this case. After looking at government guidelines in other jurisdictions, it was apparent to her that H&SS had not carried out even the minimal obligations of the *ATIPP Act* by failing to conduct a search for the records requested.

Guidelines from Alberta clearly set out what actions are adequate when a department is responding to an access request. The Commissioner recommended adopting such a guideline: *if the public body cannot locate records responsive to the request, even after contacting the applicant to clarify or reformulate the request, a letter should be sent informing the applicant of that fact and of the steps taken to attempt to find records. Where a record has been destroyed prior to receipt of the request, information should be provided on the date of destruction and the authority for carrying it out (e.g. the appropriate records disposition number or authorization).*

In this case, H&SS did subsequently conduct a search for the identified record, but was unable to find it. The Commissioner found it unacceptable for a department to not properly manage a government record in accordance with the *ATIPP Act*. The Commissioner made several recommendations to H&SS to address the issues raised by this complaint. She also made recommendations to H&PW as the department responsible for government Records Management and the *ATIPP Act*.

H&SS accepted the recommendations and reported that since the time of this request, it has created two new ATIPP positions: a dedicated full-time ATIPP Analyst and a Records Officer. A copy of the record provided by Kristy was incorporated into the H&SS files.

Highways and Public Works has committed to developing ATIPP guidelines. It now communicates regularly with ATIPP Coordinators and works closely with applicants and departments to refine or clarify requests.

Working the Front Lines — Support for ATIPP Coordinators

Each Government of Yukon department has an ATIPP Coordinator. In order to do their best work in serving their employer and the public, ATIPP Coordinators should be recognized as access and privacy specialists and need to be given the tools to do the job. Ongoing training and government guidelines are necessary to develop the expertise to ensure the *ATIPP Act* is correctly and consistently applied throughout government.

Departmental ATIPP Coordinators receive requests for access to information, clarify requests if needed, search for records and provide responses to requests. As a result, they likely have the most expertise regarding the *ATIPP Act* and how it applies to their department. Their work is time-sensitive, complex and ever-changing. ATIPP Coordinators have this responsibility in addition to their other duties.

Community Outreach

The services of the Commissioner are available to all Yukoners. We strive throughout the year to publicize our work to ensure people are aware of what services are available and why they might need them.

In 2008 we held a number of public information sessions about our work and services. We hope the format and distribution of this report will also help to introduce our office to communities and corners of the Yukon where we may not be well known.

Right To Know Week was held from September 29 to October 3, 2008. During the week, the Yukon Information and Privacy Commissioner organized a number of activities to build public awareness about access and privacy issues.

In November, our office hosted three public education sessions at the Whitehorse Public Library to provide the public with an opportunity to ask questions and obtain information about the ATIPP Act.

News Releases

In October a news release was issued regarding the Commissioner's submission on the proposed amendments to the *ATIPP Act*. The Commissioner said that while any chance to review the *Act* was positive, the plan for amendments fell "far short of the comprehensive review of the *Act* that government itself has acknowledged is required."

In November, a news release reported that the Commissioner would be hosting three public education sessions to help Yukoners become informed about the *ATIPP Act* in case they wanted to make submissions on the government's proposed amendments.

The Annual Reports of the Commissioner and the Ombudsman were released in November. The news release advised that the goal of the Reports was "to inform, educate and illustrate the nature of the work we do and the results achieved."

In December, a news release containing privacy tips for shoppers was issued as a reminder for the public. Tips reminded shoppers to keep their personal information safe during the holiday season and throughout the year.

Statistics — Information and Privacy Commissioner Services

Every year, this office is contacted by many Yukoners who are seeking information, requesting reviews of a decision by a public body about an access request, or making a privacy complaint.

The *ATIPP Act* provides for several processes including Requests for Review and Inquiries and investigation of complaints about the collection, use and disclosure of personal information or about the administration of the *Act*.

When complaints or issues are brought to us that are outside our jurisdiction, we still try to help. We often spend time directing citizens to the right place or making enquiries on their behalf to ensure that they are on the right track.

The *ATIPP Act* also authorizes the Commissioner to provide comment on the access and privacy implications of proposed legislation or programs. This ensures that proper consideration is given to access and privacy when new programs or legislation are introduced.

Requests for Review

Brought forward from 2007	**1**
Received in 2008	**5**
Community Services	1
Finance	1
Health and Social Services	1
Public Service Commission	1
Whitehorse Correctional Centre	1
Total	**6**
Completed in 2008	**4**
To inquiry	–
Successfully mediated	3
Investigated	–
Discontinued	1
Carried forward to 2009	**2**

Complaints

Brought forward from 2007	**6**
Received in 2008	**–**
Total	**6**
Completed in 2008	**4**
Withdrawn	1
Investigated	3
Carried forward to 2009	**2**

Comment on Proposed Legislation

Brought forward from 2007	**5**
Received in 2008	**12**
Total	**17**
Completed in 2008	**6**
Carried forward to 2009	**11**

Non-Jurisdictional Complaints

Federal	7
Municipality	1
Other	1
RCMP	1
Total	**10**

Requests for Information

Total	**34**

2008–2009 Budget Summary

The budget for the operations of the Office of the Ombudsman and the Information and Privacy Commissioner is submitted annually to the Members' Services Board for review before being approved by the Yukon Legislative Assembly. The budget summary below covers both functions of the office for the period from April 1, 2008 to March 31, 2009.

The 2008–2009 budget remained relatively unchanged from the previous year.

Category	Expenditures
Personnel	$ 394,300
Office and Operations	$ 114,400
Supplies and Services	$ 6,600
Capital Items	$ 5,000
Total	**$ 520,300**

Accolades

There are many government employees who try to do their best every day and who recognize the importance of access and privacy issues in government service to the Yukon public. We extend our thanks to some of the employees who made a difference in 2008.

Jennifer Szakszon
Special Projects and ATIPP Coordinator
Health and Social Services

and

Vicki McCollum
Librarian and ATIPP Coordinator
Environment

For doing things right. They have both adopted excellent practices in conducting searches for records and documenting them. They take extra care to respond to access requests openly, accurately and completely. They have both been very open to suggestions for improvement from our office. These two ATIPP Coordinators excel at their work and we consider them to be access and privacy leaders within the government.

Linda Johnson
Director, Archives, Records Management & Library Services
Yukon College

For recognizing the importance of having specific and detailed access and privacy procedures at Yukon College to protect its students and employees. In the development of its procedures, the College sought input and expertise from both the Yukon Commissioner and the Privacy Commissioner of Canada to make sure its plan was comprehensive and practical.

Out and About — Where We've Been in 2008

February

- **Information and Privacy Commissioners' Meeting – Victoria, British Columbia**
  This is a semi-annual meeting of Canadian federal, provincial and territorial Information and Privacy Commissioners to discuss current privacy issues. It was hosted by the Office of the Information and Privacy Commissioner of BC.
- **9th Annual Privacy and Security Conference – Victoria, British Columbia**
  This annual conference addressed privacy and security issues of interest to senior government officials, governmental and non-governmental agencies, technology experts and academics. The 2008 meeting was hosted by the BC Ministry of Labour and Citizen Services.
- **Pan Canadian Privacy Forum – Ottawa, Ontario**
  This forum focused on discussion of current health privacy issues and was hosted by Canada Health Infoway, Inc.
- **Privacy Investigations Workshop – Ottawa, Ontario**
  This workshop focused on the investigation of privacy complaints. It was hosted by the Privacy Commissioner of Canada.

May

- **Pan Canadian Privacy Forum — Victoria, British Columbia**
  This forum discussed current health privacy issues and was hosted by Canada Health Infoway Inc.

June

- **Information and Privacy Commissioners' Summit — Regina, Saskatchewan**
  This semi-annual meeting of Canadian federal, provincial and territorial Information and Privacy Commissioners discussed current privacy issues. It was hosted by the Office of the Information and Privacy Commissioner of Saskatchewan.
- **OIPC BC and Yukon PHIP — Victoria, British Columbia**
  Discussions were held between the BC and Yukon Information and Privacy Commissioners and representatives from the Yukon department of Health and Social Services concerning the Public Health Information Project (PHIP).

November

- **Pan Canadian Privacy Forum — St. John's, Newfoundland and Labrador**
  This forum discussed current health privacy issues and was hosted by Canada Health Infoway Inc.

December

- **Teleconference Seminar**
  This seminar was presented by Professor Rick Snell, Senior Lecturer, Faculty of Law, University of Tasmania as part of a series of presentations about a new generation of Freedom of Information legislation being implemented in Australia. It was hosted by the Information Commissioner of Canada.

Contact Us

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